

REMARKS

By this amendment, Applicants have amended claims 1 and 16 and cancelled claim 8 without prejudice or disclaimer of its subject matter. Upon entry of this amendment, claims 1-7 and 9-16 will remain pending in the present application.

In the Office Action, the Examiner rejected claims 8 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-7 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 7,139,978 to Rojewski et al. (“Rojewski”); and rejected claims 9-16 under 35 U.S.C. § 103(a), as being unpatentable over Rojewski in view of U.S. Patent No. 6,950,852 to Kobayaghi et al. (“Kobayaghi”). Applicants respectfully traverse each of the rejections.

I. Rejections under 35 U.S.C. § 112, second paragraph

Claims 8 and 16 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Although Applicants do not acquiesce to the Examiner’s rejections, claim 8 has been cancelled and, therefore, the rejection of this claim is moot. Furthermore, claim 16 has been amended to delete the “negative limitation” identified by the Examiner. See Office Action, page 2. As amended, claim 16 is definite under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 16.

II. Rejections under 35 U.S.C. § 102(e)

Applicants respectfully traverse the Examiner’s rejections of claims 1-7 under 35 U.S.C. § 102(e), as being anticipated by Rojewski. In order to properly establish that Rojewski anticipates Applicants’ claimed invention under 35 U.S.C. § 102(e), each and every element of each of the claims in issue must be found, either expressly described

or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Rojewski fails to teach each and every element recited in amended independent claim 1. For example, Rojewski does not disclose a method including “receiving work performed on the execution level page,” “navigating to the control level page from the execution level page,” and “navigating back to the execution level page, the execution level page preserving the work performed before said navigating to the control level page,” as recited in claim 1. With respect to claim 8, The Examiner acknowledged that Rojewski does not disclose these features. See Office Action, page 5, first paragraph. Because independent claim 1 has been amended to include the subject matter similar to that originally presented in cancelled claim 8, it follows that Rojewski is also deficient with respect to claim 1.

Accordingly, independent claim 1 is allowable over Rojewski for at least the above reasons. In addition, claims 2-7 are allowable over Rojewski at least due to their dependence from claim 1.

If the Examiner contemplates to reject amended claim 1 or the other pending claims under 35 U.S.C. § 103(a), Applicants note that Rojewski is not competent prior art and can be eliminated as prior art in view of Section 103(c). In particular, Section 103(c) states: “Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the

claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Here, Rojewski can only constitute prior art, if at all, under 35 U.S.C. § 102(e). Further, Applicants confirm that the claimed subject matter of the present application and of the Rojewski reference were commonly assigned to SAP Aktiengesellschaft ("SAP AG") at the time Applicants' invention was made. Therefore, under 35 U.S.C. § 103(c), Rojewski is not available as a prior art reference in the event the Examiner contemplates rejecting the claims under 35 U.S.C. § 103(a).

III. Rejections under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner's rejections of claims 8-16 under 35 U.S.C. § 103(a), as being unpatentable over Rojewski in view of Kobayaghi. As indicated above, claim 8 has been cancelled and, therefore, the rejection of this claim is moot. Further, Rojewski can only constitute prior art, if at all, under 35 U.S.C. § 102(e). Section 103(c) precludes the use of Rojewski in an obviousness-type rejection because the subject matter of claims 9-16 of the present application and of Rojewski were commonly assigned to SAP Aktiengesellschaft ("SAP AG") at the time Applicants' invention was made. Therefore, Rojewski is not available as prior art and the Section 103(a) rejections must be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
~~GARRETT & DUNNER, L.L.P.~~

By: 

C. Gregory Gramenopoulos
Reg. No. 36,532

Dated: July 2, 2007